IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SRI JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 7 of 2005**

Between:

Srimadvirat Pothuluri Veerabrahmendra Swamy And Ankalamma

Devalayala Abhivrudhi Committee, rep. by its President B.

Chidananda Rao, S/o. Subrahmanyam, aged about 38 Years,
R/o. Madur, Chapadu Mandal, Kadapa District.

**..... PETITIONER**

AND

The Mandal Revenue Officer, Chapadu Mandal, Chapadu, Kadapa District.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari quashing the notice issued by the respondent in his ref.C/411/2004, dated 29-12-2004 under Section 7 of A.P. Land Encroachment Act 1905 to the petitioner in respect of the compound wall of Srimadvirat Pothuluri Veerabrahmendra Swamy and Ankalamma Temple in Madur Village of Chapadu Mandal, Kadapa District by declaring the same as illegal, unjust, arbitrary, discriminative, mala fide, extraneous, colourable exercise of power and against the statutory provisions and against the Article 14 of the Constitution of India and pass such other order or orders.

**Counsel for the Petitioner:MR.L.J.VEERA REDDY**

**Counsel for the Respondent: GP FOR REVENUE**

**The Court at the stage of admission made the following ORDER:**

The Mandal Revenue Officer, Chapadu mandal, respondent herein, issued the impugned notice dated 29.12.2004, under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') informing the petitioner that it encroached the land in question without any Government orders and requiring it to remove the compound wall constructed thereon within three days. The petitioner challenges the same.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

Having heard the learned counsel on either side and having perused the material available on record, it is seen that the impugned notice dated 29.12.2004 issued to the petitioner under Section 7 of the Act is only a show cause notice. In pursuance of the same, the petitioner has to submit its explanation. On submission of the explanation, the authority concerned has to pass final orders under Section 6 of the Act. If the petitioner feels aggrieved by the same, it has to avail the remedy of appeal before the Revenue Divisional Officer, under Section 10 of the Act. The petitioner without submitting its explanation, straightaway approached this Court. In view of the same, the present writ petition against the show cause notice, cannot be entertained.

Hence, the writ petition is dismissed. However, it is made clear that unless final orders are passed under Section 6 of the Act, in pursuance of the explanation submitted by the petitioner, the respondent shall not demolish the structures in the land in question.

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05.01.2005

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To

1 The Mandal Revenue Officer, Chapadu Mandal, Chapadu, Kadapa District.

2 Two CCs. to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

3 Two CD copies.